

THE DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OSCAR VALENZUELA-MENDIVIL,

Defendant.

2:11-cr-068-LDG-RJJ

2:11-cr-006-LDG-RJJ

FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. That on August 3, 2011, the defendant appeared to answer to a petition revoke the defendant's term of supervised release, case no. 2:11-cr-006-LDG-RJJ. The parties are attempting to consolidate the pending revocation petition with this instant matter. The additional time will allow the parties to finalize negotiations of this instant matter and the defendant's pending revocation case. The revocation hearing has been set for August 18, 2011 at 2:30 p.m. .

2. Further, defense counsel will be out of the district August 9, 2011 returning August 15, 2011.

3. The defendant is incarcerated and does not object to the continuance.

4. The parties agree to the continuance.

5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

6. This is the first request to continue the change of plea date filed herein.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the change of plea hearing date.

CONCLUSIONS OF LAW


The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, title 18, United States Code, Section 3161(h)(1)(A), 3161(h)(7) and Title 18 United States Code, §§ 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED the Change of Plea hearing date currently scheduled for August 11, 2011, at the hour of 10:00 a.m., and the Revocation hearing currently set for 8/18/11 have all been vacated. Both cases shall be heard on Thursday, 9/1/11 at the hour of 9:00 AM before this Honorable Court.

DATED 9 day of August, 2011.


UNITED STATES DISTRICT JUDGE
LLOYD D. GEORGE